

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022

1

SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

During the Council's June 21, 2022 meeting, public comment was taken for Separate Business Item #1 pertaining to a Resolution re: the 2021 Buildable Lands Report. Staff then provided an overview of the item.

BOWERMAN: Well, tonight we begin with Public Comment on the Consent and Separate Business items that are on the agenda. So we would normally ask for anyone in the hearing room to begin first. I believe, Kathleen, if you would like to explain how that would work if there is anyone in the hearing room or in the Council chambers who wishes to speak.

OTTO: Yes. So I did mention this before I walked out, but I will be going out there with my laptop, so those who are signed up, please meet me in the hallway and we'll get you on the computer. Thank you.

BOWERMAN: Okay. Thank you. And then others, of course, I believe you know the routine. Press star 3 if you are on your phone or the raised-hand icon if you're on your computer.

Staff, are there any who wish to speak tonight? Let's begin with the hearing room. Is there anyone in the hearing room that wishes to work with Kathleen Otto on giving your testimony?

OTTO: We do have a few people who have signed up and they're on their way in.

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022
SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

2

HOLLEY: Chair Bowerman, this is Cindy Holley.

BOWERMAN: Yes.

HOLLEY: I have just a little dilemma because I'm here for the Separate Business on Number 1 and so I don't know who is going to be testifying just on that specific item and that's the only testimony that I'm to be taking. So I don't know if they could tell me before they start testifying if they're going to testify on that item so I know to take down the testimony or not.

BOWERMAN: Let's do that. I'll ask.

HOLLEY: Thank you.

BOWERMAN: Sure.

OTTO: Okay. Council, our first person here is Carol Levanen and you'll have three minutes to provide your testimony.

BOWERMAN: Carol, would you please spell your last name and if you are here to testify on Separate Business Item Number 1.

LEVANEN: Separate Business Item Number 1, yes.

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022
SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

3

BOWERMAN: And that is the one dealing with buildable lands.

LEVANEN: Yes. L-e-v-a-n-e-n.

BOWERMAN: And, Cindy, did you get that okay?

HOLLEY: Yes. Thank you.

BOWERMAN: Very good. I'm sorry, Carol. There's no substitute for technical smoothness which we don't have tonight. Go ahead, please.

LEVANEN: You got to do what you got to do. I'm representing Clark County Citizens United and we believe the draft Buildable Lands Report in its current form is legally deficient in at least two particular ways described below.

First, there appears to be a significant discrepancy in the report's data regarding rural lands. The report asserts that rural population growth was 1 percent for a total increase of 794 people. At the same time, the report claims that rural share of new housing was 6 percent at 22,000 units of new housing for the same 2016-2020 time period, that equates to 1,320 new housing units in the rural area.

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022
SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

4

From the face of the report, there are some error in the data of analysis. It is highly unlikely that in the same time period over the four years there would be approximately twice as many new homes as there were new people.

RCW 36.70A.215 requires the report to "Identify reasonable measures, other than adjusting urban growth areas, that will be taken to comply with the requirements of this chapter.

Reasonable measures are those actions necessary to reduce the difference between growth and development assumptions and targets contained in the countywide planning policies and the county and city comprehensive plans with actual development patterns."

It is anticipated that 12,859 people or 10 percent of the new growth will be accommodated in the rural area. According to the report, the county's population growth was 44,458 people. The report under the comprehensive plan, the population growth in the rural area should have been 10 percent of that number, 4,446 people but there was only 794. The actual population growth at the rural area was only 18 percent of what the comprehensive plan stand for.

Because of those differences, RCW 36.70A.215 require the County

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022
SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

to identify reasonable measures other than adjusting urban growth area in the Buildable Lands Report to reduce these differences. Yet the report section on reasonable measures constitute one page that identifies various determinations made but not one reasonable measure that could reduce the difference between the plan for rural growth and the actual development patterns.

The reasonable measure section is inadequate in that it does not comply with RCW 36.70A.215(1)(b) and (2)(d). Rural landowners are the best stewards of the land and they need to be able to live there to take care of it.

BOWERMAN: And are you here this evening to testify, as well, on Item Number 1, buildable lands?

SNODGRASS: I am, yes.

BOWERMAN: If you would please spell your last name for the court reporter, as well.

SNODGRASS: Sure. It's Bryan Snodgrass, S-n-o-d-g-r-a-s-s, representing the City of Vancouver.

BOWERMAN: Then you may go ahead.

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022

6

SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

SNODGRASS: Thank you. We -- as I think we said before, we very much appreciate the time and effort put into this work particularly at the last -- in the last couple of weeks, there have been some efforts that I think have incrementally improved the accuracy of the report that are much appreciated.

This is still a report that is an official -- becomes official State record, an official local record of how much land capacity we have. It deserves to be judged, I think, by its substance, and in looking at that information, the results -- or the data rather, indicated still it appears to still be grossly inaccurate, and as you know the reasons we say that, you know, we don't take that concern lightly is just looking at Vancouver.

Starting with Vancouver applications, the report estimates the City has less long-term capacity than we have current applications in. For the report to be accurate, we'd have to have 1,000 applications that have already been paid for go away, nothing new submitted or approved anywhere in the City for 13 years.

In terms of actual growth and not applications, the report is effectively saying that the City will need to see the growth rate that we've seen over annually over the last three years cut

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022

7

SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

in half, not just for one or two years which could be feasible. That's for a whole 13 years which doesn't seem to make sense.

We appreciate there may be other perspectives on the data. We haven't heard any. From -- to us this looks like the model and the report is clearly missing capacity that developers are finding to build houses on the ground and in thousands of houses of volume.

There's consequences, I think, of adopting a report that has these kind of inaccuracies. As mentioned, it becomes official record. If -- most importantly, though, if the report methodology is used in the coming years for the upcoming comprehensive plans, there's several consequences.

One is that we would have probably, significantly more residential land added than needed and we do need some, but this would be significantly more and resulting in unplanned growth with implications for climate, sprawl, insufficient cost of services.

Capital facilities would be harder to provide, not just because there would be more costly housing to serve, but also because there would be those capital facilities plans that would be calibrated to a population which was less than the actual

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022
SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

8

growth -- the land supplies in the actual growth. It will be harder to improve the balance of jobs to housing. We would all face challenges in our communities of community outreach and transparency if the plans are all calibrated on a normal population forecast, but actually land is supplied to provide tens of thousands more housing units.

As you know, and buildable lands guidance and statutes require decisions based on data, not field judgments, and the GMA doesn't allow or require providing -- artificially providing padding capacity to facilitate affordable housing no matter how allottable a goal that is. It's a deep and multifaceted problem, housing affordability, with multiple approaches that we need to look at it. Approving an accurate Buildable Lands Report does not thwart any of those efforts.

This Council and our cities too will have an ability to look at land supplies and all of the other myriad of issues that affect affordable housing as part of our comprehensive plan updates. We're required to do it. The Buildable Lands Report is not a place to try to fix that problem. The --

BOWERMAN: Your three minutes has ended, I'm sorry.

SNODGRASS: Thank you.

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022
SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

9

BOWERMAN: Are you here to testify on buildable lands as well?

OTTO: Are you testifying on buildable lands?

MCCARL: No.

OTTO: It's something else on the agenda?

MCCARL: Yes.

OTTO: Yes. So he's not testifying on buildable lands, it's another agenda item.

MCCARL: Right.

OTTO: You can continue. Chair Bowerman, that concludes the in person testimony. So staff can see if there's anybody online who wishes to provide testimony.

BOWERMAN: Thank you.

MEDVIGY: I don't know if I lost audio again. But did someone make a motion to approve the Consent Agenda?

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022
SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

10

BOWERMAN: No, not yet. We're seeking additional individuals who wish to testify.

LENTZ: And, Chair, and, Council, just since I'm here behind the scenes, I'll say that once Kathleen gave the direction to staff to check if there was anyone online we realized that they wouldn't be able to hear it so she's going and double-checking. Everyone's getting their steps in today. So just a moment and I think she'll -- I hear some people tussling in the hearing room.

BOWERMAN: Thanks for the update.

LENTZ: It appears there is no additional comment.

BOWERMAN: Okay. Very good. We turn now to Item 1 under Separate Business. The approval of resolution that is relating to the Buildable Lands Report. Is this something that staff is going to present, Kathleen, or is this you speaking first?

OTTO: Oliver Orjiako from Community Planning can provide an overview of what the resolution is in front of Council tonight. So I'd hand it over to Oliver.

ORJIAKO: Thank you, Kathleen. And good evening, Madam Chair, and members of the Council. For the record, Oliver Orjiako. I

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022
SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

11

will turn this over to the Project Manager if I may and that is Jose Alvarez and after going through what we are requesting, if Council has questions, I will be more than willing to respond to the questions, and we do have Chris Cook with us as well as Bob Pool, if Council has questions. So, Jose, if you may, go ahead.

ALVAREZ: Thank you, Oliver. Can you all hear me?

BOWERMAN: Yes.

ALVAREZ: Okay. So good evening, Councilors. My name is Jose Alvarez with Community Planning. The Planning Department is requesting that the County Council approve Resolution 2022-06-01 consistent with the Council action on June 7th, 2022, relating to the Buildable Lands Report.

The adopting resolution has three exhibits. Exhibit 1 is comprised of the assumptions and methodologies of the 2021 Vacant Buildable Lands Model consistent with Council action on June 7th. Exhibit 2 is the data outputs and maps of the 2021 Vacant Buildable Lands Model, again, based on the Council action from June 7th. And, finally, Exhibit 3 is the Buildable Lands Report updated to reflect the changes to the Vacant Buildable Lands Model based on Council action on June 7.

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022
SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

12

The report is required to be submitted to the State Department of Commerce per RCW 36.70A.215 by June 30th, 2022. And, again, as Oliver said, staff is available if you have any questions.

BOWERMAN: Council, do you have questions or comments on this item? I have a comment and that is to explain my negative vote, which is consistent with the vote that I gave when this was last considered.

There are many things that I find inappropriate or unacceptable for Clark County in this Buildable Lands Report. It's interesting to me that it starts with the statement that was made so clearly that there is to be nothing about the future in this report, it is to be focused on the past, and yet even in the Executive Summary, it starts out talking about how the net buildable acres in Clark County can accommodate the remaining population through the 2035 planning horizon which is clearly forward looking, not looking just backwards.

And then it states that we can accommodate through 2035. No way in my judgment from our accommodating even today the employers who have an interest in coming to Clark County does that statement fly and yet we see even with residential lands that it says that with all cities and the Vancouver meeting their adopted residential density targets and a 3,450-acre surplus

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022

13

SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

that Clark County concludes that there is adequate buildable land supply to accommodate population growth through 2035, and I simply cannot accept that statement.

The statement that is given on the Buildable Lands Report Page 3 that points out that "The methodology is not in sync with the economic development organizations that are in search of land that meet specific market criteria and are immediately available for development. If there's a desire to call out that subset of lands it may require" it says "a collaboration with our GIS department to identify the necessary criteria," and I find that that statement is quite vastly understated, actually.

And then there is the statement that Commerce has established a new affordable housing reasonable measures but neither the county nor the cities have adopted planning policies to define affordable housing standards, and for that reason it simply cannot be addressed until a later comprehensive plan which, you know, affordable housing is an issue today, not just in 2025.

I think that this is clearly a policy decision that is going forward. It is not simply a report or it is not simply a model and it is one that because of how housing is treated is eliminating opportunities in my opinion for equity and associated appreciation and generational wealth for the citizens

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022
SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

14

who are simply not afforded the opportunity for housing and will be priced out and that I see is a problem. Clearly, we're working to address it in other ways but this exacerbates the problem.

And then there is the fact that these assumptions directly impact the future comprehensive plan and this is, therefore, the foundation on which it's built and I just find that to be not acceptable.

And then there is the Exhibit 1 which is the Proposed Refinements to the VBLM and notice that now there is the BLPAC recommendation and then the Council direction and completely missing is the entire column on what the Responsible Planning Coalition had said and contributed which has been the position of Council for, I don't know, maybe about a year, and that Responsible Planning Coalition input it is almost completely stripped from the report itself as well which omits what perspective employers have said about their inability to be located in Clark County for lack of buildable land.

So there are reasons why I believe those kinds of things should be in the report and reasons which explain in part my negative vote that is upcoming on this. I'll ask for additional comments from Council or questions for staff. Is there a motion?

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022

15

SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

ORJIAKO: Councilors, if I may, with your permission. If not, I'll just keep quiet. I believe that everything that the development community said and CREDC said are all appropriate.

And someone earlier was quoting the RCW, Revised Code of Washington 36.70A.215, they quoted (2)(d), but what was left out is the remainder of that which says that "The reasonable measures shall be adopted, if necessary, into the countywide planning policies and the county and city comprehensive plans and development regulations during the next scheduled update of the plans."

Now what I will add with all due respect to my Council is that these issues, inconsistencies, differences between methodologies, the statute calls that those issues be identified as reasonable measures that needs to be agreed to by the cities and be adopted not only by the cities but also by the county in what is called the "countywide planning policies." That will be what will guide us going forward.

So nothing in this report prevents us from having conversation on what to do with land for jobs. Nothing in this report prevents the county and the cities addressing affordable housing. Nothing in this report prevents the county and the

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022
SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

16

cities accommodating future schools and parks in our next comprehensive plan update.

I think I will agree with some of the concerns raised by the City of Vancouver; however, where staff will disagree is how should we account for what is in the pipeline. What is in the pipeline, and I can't -- with all due respect to Bryan, I cannot find anything in the guideline or in the statute that says we have to account for what is in the pipeline.

Now, what is in the pipeline we don't know, if it's 10,000 units that are yet to be built. With all due respect, we are going to capture that somehow in the next plan update or have that conversation how many of those units in the pipeline have actually been built or have been approved.

So with all due respect, what we can do is have conversation with our city partners. We know that they are allowing some residential development occurring on commercial land. The County's not allowing that in the unincorporated portion of the UGA. When that occurs, we will find a way to capture what is occurring.

But with all due respect, throughout this process and up to tonight we have followed what the Council have directed us to

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022
SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

17

do. I will attest that throughout this process, I've also been having meetings on a quarterly basis with all our city partners.

None of the cities have come to me or before you, Councilors, to say that we are short of residential land. None of the cities have appeared before the Council and said we are short of land for jobs.

The only city that did, and I give them, I commend them, is the City of Battle Ground. They did what we are supposed to do. They said that they have surplus residential land, that is into the record. They also identified how they will develop in the future. They have given us heads up that they would like to match to us Dollars Corner, that that's the area that they will have some utility and that's what they would like to do in the next plan update.

I will agree but I will also say that this is not looking forward, this is based on the plan that the Council, not this Council, but the prior Council adopted that goes from 2015 to 2035. We all agreed that that plan was developed at the time of a great recession and the population was low. I will be the first to admit that.

However, the Council will have opportunity, say, next year when

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022

18

SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

we receive population estimate from the State Office of Financial Management you have the choice in consultation with the cities on what population to plan for. That plan will be from 2025 to 2045, that's when you will begin to make a decision on what type of zoning, what type of land should we have for jobs going forward. Right now, you have no mechanism to change any zoning within the existing urban growth boundary. You have no mechanism to change any land from X to Y during this time period. You can only do that during the periodic review once a year.

So even if you identified deficiency, the statute calls for us to address those during the next plan update, doing that in a form of a policy where we, the county, and the cities agree to do so by amending, identifying what those issues are and agreeing on how to go about it and adopting a countywide planning policy to address them.

So I will tell everyone to just hold off this conversation and policy issues will be discussed during the next plan update. That's the remark I wanted to make. So thank you for permitting me to make that remark.

BOWERMAN: Thank you. And I had asked for a motion. Is there one now?

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022
SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

19

OLSON: Madam Chair.

BOWERMAN: Yes, Councilor Olson.

OLSON: Thank you. Move to approve Resolution No. 2022-06-01.

MEDVIGY: I'll go ahead and second.

BOWERMAN: It has been moved and seconded to approve the stated resolution which is Separate Business Item Number 1. All those in favor or is there further discussion I should say?

MEDVIGY: Yes. Thank you, Madam Chair, I'd like to be recognized.

BOWERMAN: Yes, Councilor Medvigy.

MEDVIGY: I wanted to follow-up on most of what Oliver said. I really do very much look forward to when we do have policy decisions to make from those population selections and, quite frankly, nothing has been lost this past year with all the great work by the building industry and the realtors and CREDC. You know, we've captured all that.

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022
SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

20

We have a lot of work to do for addressing those reasonable measures that have been mentioned a few times tonight. You know, and I also I appreciate Oliver's characterization and clarification of what we're really doing today.

And regarding the discrepancy with Vancouver, you know, I fear to some extent we may be on the cusp of another recession. So having things in the pipeline to count them, I, you know, I think Vancouver's got a lot of bragging rights to all the hard work they did and all that is in the pipeline to be developed, but it hasn't come to fruition yet.

From our impact fee holiday from some 15 years ago, there's still some outstanding commercial property that never got developed, so I think it is prudent not to count. So I understand Oliver's position on that, the staff on that. I think it is the prudent thing to do not knowing how many of those starts will actually end up being built.

So in any case, you know, we have a lot of work ahead of us and that's been identified this last year and a lot of policy decisions yet to be made. And I think, Oliver, I'm hopeful that your staff is going to immediately, if not already, start identifying all the reasonable measures that we need to take because of the delta that we see out in the community as far as

CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022
SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT

21

very restrictive housing and commercial properties.

We need to really move forward from this model and its conclusions to open up the aperture from housing to lands for jobs, capture the parks, capture the schools, we have a lot of work to do.

BOWERMAN: Further discussion from Council? Okay. Hearing none, we will move to the vote. All those in favor of the motion please signify by saying aye.

MEDVIGY: AYE

OLSON: AYE

LENTZ: AYE

BOWERMAN: I heard two. I think that I should ask for a roll call. Staff, if you wouldn't mind doing that so that we get this correct.

LENTZ: AYE

OLSON: AYE

MEDVIGY: AYE

RYLANDER: NAY


BOWERMAN: NAY

**CLARK COUNTY COUNCIL
MINUTES OF JUNE 21, 2022
SEPARATE BUSINESS ITEM #1: 2021 Re: BUILDABLE LANDS REPORT**

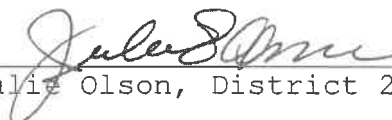
22

BOWERMAN: The motion is passed 3 to 2.

CLARK COUNTY COUNCIL


Karen Dill Bowerman, Chair, District 3


Temple Lentz, District 1


Julie Olson, District 2


Gary Medvigy, District 4


Richard Rylander, District 5

ATTEST:


Rebecca Messinger, Clerk to the Council



Minutes Transcribed by:
Cindy Holley, Court Reporter/Rider & Associates, Inc.

Rider & Associates, Inc.
360.693.4111